

REMARKS/ARGUMENTS

Claims 1-28 were pending at the time of the mailing of the outstanding Office Action. By this amendment, claim 11 has been cancelled without prejudice or disclaimer as to the subject matter contained therein. Claims 1, 12-15 and 21 have been amended. No new claims have been added.

In the Office Action of November 19, 2007, the Examiner indicated that the Oath/Declaration does not include the inventor's signature. However, a Declaration signed by the inventor/applicant was filed on May 24, 2004 in response to a Notice to File Missing Parts. Review of the Image File Wrapper on the Patent Application Information Retrieval (PAIR) database indicates that this declaration was received by the Office and has been entered into the application file. Withdrawal of the Examiner's objection regarding the declaration is respectfully requested.

Under 35 U.S.C. § 102(b), the Examiner also rejected claims 1-10, 13, and 20-28 as anticipated by US Pat. 5,334,164 to Guy et al. (hereinafter "Guy") and claims 1-13, and 20-28 as anticipated by US Pat. 5,464,189 to Li (hereinafter "Li") Under 35 U.S.C. § 103(a), the Examiner rejected claims 11-12 as being unpatentable over Guy or Li in view of US Pat. 5,935,112 to Stevens et al. (hereinafter "Stevens"), and claims 14-19 as being unpatentable over Guy.

Claim 1 has been amended to additionally recite that the sealing element comprises a diaphragm extending from the tubular main body located at at least one longitudinal end of the tubular main body and at least partially closing at least one longitudinal end of the sealing element and to recite that the diaphragm and tubular main body comprise a single piece. Support for this amendment may be found in original claim 11, which has now been cancelled without prejudice, in paragraph 0013 and in Fig. 3. Neither Guy nor Li teach or suggest such a sealing element. In the outstanding Office Action, the Examiner maintained that Li provides, "a diaphragm 218 (Fig. 20) or 512

(Fig. 30).” However, in the embodiment provided in Fig. 20, what the Examiner refers to as the “diaphragm 218” is not comprised of a single piece with the tubular housing 206. In fact, the tubular housing 206 is described as being “substantially rigid” (column 8, lines 32-33) rather than being comprised of an elastic material as recited in claim 1. Similar amendments have been made to independent claim 21. Amendments have also been made to claims 12-15 consistent with the amendment of claim 1.

Similarly, Stevens also does not teach or suggest such a construction of a sealing element. The Examiner indicates that Stevens provides a diaphragm in the structures associated with reference numbers 44 and 170. However, neither of these structures can be considered to satisfy the elements of claim 1 regarding the diaphragm. First, compressible seal 44 corresponds to the tubular main body of the claimed invention. Within seal 44, annular rib 158 may be considered to correspond to the adjustable constriction of the of the hoolow space in the claimed invention, not the diaphragm. Additionally, first ring 170 is described as “having an outer diameter that is substantially the same as the diameter of second recess 166 in proximal end 138 of compressible seal 44,” (column 10, lines 48-51) Therefore, ring 170 can not be said to at least partially close at least one longitudinal end of the sealing element, as recited in the claims. Additionally, the structures of Stevens corresponding to the claimed diaphragm and tubular body are not comprised of a single piece.

Therefore, none of the cited references teach or suggest all the elements of the invention as claimed. The Applicants maintain that independent claims 1 and claim 21, as amended, patentably distinguish over the cited prior art, either alone or in combination. Likewise, claims 1-10, 12-20, and 22-28, which depend from and incorporate all the limitations of claims 1 or 21, also patentably distinguish over the cited prior art. Withdrawal of the rejections under 35 U.S.C. § 102(b) and 35 U.S.C. § 103(a) and issuance of a Notice of Allowance is respectfully requested.

The outstanding Office Action was mailed on 19 November 2007. The Examiner

set a shortened statutory period for reply of 3 months from the mailing date. Therefore, a petition for an extension of time (one-month) is hereby made with this response. Additionally, the Applicants hereby make a conditional petition for an extension of time for response in the event that such a petition is required. The Commissioner is authorized to charge any fee or to credit any overpayment associated with the filing of this paper to Deposit Account 15-0450.

Respectfully submitted,

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